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PATENT  
Customer Number 22,852  
Attorney Docket No. 05552.0265-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Heinz-Jürgen FRIESEN et al. )  
Serial No.: 09/820,974 ) Group Art Unit: 1641  
Filed: March 30, 2001 ) Examiner: Christopher L. Chin  
Allowed: September 21, 2004 ) Confirmation No.: 5252  
For: SHEET-LIKE DIAGNOSTIC DEVICE )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**LETTER REQUESTING ACKNOWLEDGMENT  
OF INFORMATION DISCLOSURE STATEMENT  
FILED UNDER 37 C.F.R. § 1.97**

An Information Disclosure Statement was filed in this application on January 8, 2003. In reviewing our files, we find that we have not received from your Office a copy of the Form PTO-1449 which would serve as acknowledgment of receipt of the Information Disclosure Statement and as an indication that the references were considered by the examiner.


A copy of the Information Disclosure Statement, the Information Disclosure Citation on Form PTO-1449, and of the post card that was filed with the Information Disclosure Statement and was stamped by the U.S. Patent and Trademark Office to indicate receipt of the papers, is attached.

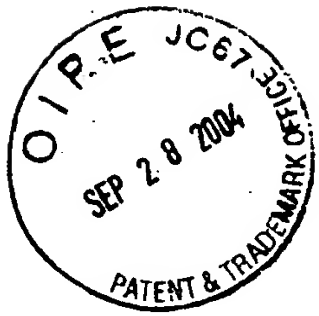
The examiner is respectfully requested either to send us a duplicate of the copy of the Form PTO-1449 or issue a Supplemental Notice of Allowability (PTOL-37) which both acknowledges receipt of the Information Disclosure Statement and the Information Disclosure Citation, and indicates that the references were considered by the Examiner.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 28, 2004

By:   
Carol P. Einaudi  
Reg. No. 32,220



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5552.0265-04

CPE/MPB/MRA

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Application of: Heinz-Jürgen FRIESEN et al.

Serial No.: 09/820,974

Filed: March 30, 2001

For: SHEET-LIKE DIAGNOSTIC DEVICE

RECEIVED  
09/08/03  
Group Art Unit 16400  
Examiner: Christopher L. CHIN

1. Information Disclosure Statement Under 37 C.F.R. § 1.97(c) (2 pages);
2. Form PTO 1449 (3 pages); and
3. Check No. 069541 \$180.00 for IDS fee.

Dated: January 8, 2003

Docket No.: 05552.0265-04000

MPB/MRA/nyf

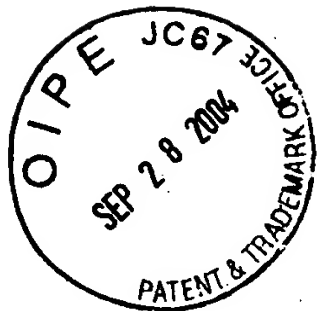
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(Due Date: None)

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PATENT  
Customer No. 22,852  
Attorney Docket No. 5552.0265-04000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Heinz-Jürgen FRIESEN et al.

Application No.: 09/820,974

Filed: March 30, 2001

For: SHEET-LIKE DIAGNOSTIC  
DEVICE

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)  
) Group Art Unit: 1641  
)  
) Examiner: Christopher L. CHIN  
)  
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)  
)  
)

Commissioner for Patents  
Washington, DC 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed documents were previously submitted or were cited by the Examiner in U.S. Application Serial No. 08/544,579, filed October 18, 1995, now U.S. RE37437 E; Interference No. 103,072; or U.S. Application Serial No. 06/808,563, filed December 13, 1985, now U.S. Patent No. 4,861,711. Applicants rely upon those two applications for the benefits provided under 35 U.S.C. § 120. Applicants respectfully

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request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the claimed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 7, 2003

By: 

Robert W. Mann  
Reg. No. 48,555

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## INFORMATION DISCLOSURE CITATION

|                  |                             |            |            |
|------------------|-----------------------------|------------|------------|
| Atty. Docket No. | 05552.0265-04000            | Appln. No. | 09/820,974 |
| Applicant        | Heinz-Jürgen FRIESEN et al. |            |            |
| Filing Date      | March 30, 2001              | Group:     | 1641       |

| U.S. PATENT DOCUMENTS |  |                 |            |                 |       |           |                            |
|-----------------------|--|-----------------|------------|-----------------|-------|-----------|----------------------------|
| Examiner Initial*     |  | Document Number | Issue Date | Name            | Class | Sub Class | Filing Date If Appropriate |
|                       |  | 3,620,677       | 11/16/1971 | Morison         |       |           |                            |
|                       |  | 3,847,553       | 11/12/1974 | Verbeck         |       |           |                            |
|                       |  | 4,094,647       | 06/13/1978 | Deutsch et al.  |       |           |                            |
|                       |  | 4,258,001       | 03/24/1981 | Pierce et al.   |       |           |                            |
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|                       |  | 4,861,711       | 08/29/1989 | Friesen et al.  |       |           |                            |
|                       |  | 5,073,484       | 12/17/1991 | Swanson et al.  |       |           |                            |
|                       |  | 5,120,643       | 06/09/1992 | Ching et al.    |       |           |                            |
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|--------------------------|--|-----------------|------------------|---------|-------|-----------|-----------------------|
|                          |  | Document Number | Publication Date | Country | Class | Sub Class | Translation Yes or No |
|                          |  | CA 1185882      | 4/23/1985        | CA      |       |           |                       |

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| FOREIGN PATENT DOCUMENTS |                 |                  |         |       |           |                                   |  |
|--------------------------|-----------------|------------------|---------|-------|-----------|-----------------------------------|--|
|                          | Document Number | Publication Date | Country | Class | Sub Class | Translation Yes or No             |  |
|                          | DE 23 32 760    | 03/04/1982       | DE      |       |           | No, counterpart to GB 1 440 464   |  |
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|                          | EP 0 100 619    | 02/15/1984       | EP      |       |           |                                   |  |
|                          | EP 0 186 799    | 07/09/1986       | EP      |       |           | No, counterpart to U.S. 4,861,711 |  |
|                          | FR 2 191 734    | 01/02/1974       | FR      |       |           | No, counterpart to GB 1 440 464   |  |
|                          | GB 1 440 464    | 06/23/1976       | GB      |       |           |                                   |  |
|                          | GB 2126224      | 03/21/1984       | GB      |       |           |                                   |  |
|                          | JP 48-5925      | 01/25/1973       | JP      |       |           |                                   |  |
|                          | JP 53-47894     | 04/28/1978       | JP      |       |           | No, counterpart to U.S. 4,094,647 |  |
|                          | JP 55-90859     | 07/09/1980       | JP      |       |           | No, counterpart to U.S. 4,258,001 |  |
|                          | JP 57-113363    | 07/14/1982       | JP      |       |           | No, counterpart to CA 1185882     |  |
|                          | JP 58-76763     | 05/09/1983       | JP      |       |           | No, counterpart to U.S. 4,446,232 |  |
|                          | JP 58-179357    | 10/20/1983       | JP      |       |           | No, counterpart to U.S. 5,073,484 |  |
|                          | JP 61-145459    | 07/03/1986       | JP      |       |           | No, counterpart to U.S. 4,861,711 |  |
|                          |                 |                  |         |       |           |                                   |  |

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| Filing Date      | March 30, 2001              | Group:     | 1641       |

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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) |  |
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|  | Zuk et al., "Enzyme Immunochromatography - A Quantative Immunoassay Requiring No Instrumentation," <i>Clin. Chem.</i> , 31(7):1144-1150 (1985).  |

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|---|---|
| Examiner  | Date Considered   |
| *Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |   |
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